



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,339	10/14/2003	G. Eric Engstrom	109909-135059	7182

25943 7590 08/07/2006

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,339

Applicant(s)

ENGSTROM ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton et al. (US 6,608,637 B1) in view of Smethers (US 2004/0142720 A1).

Regarding claim 1, Beaton discloses a mobile communication device (Fig. 2, mobile phone) comprising: a plurality of functions (Beaton: Col. 2, lines 7 – 12) to support a plurality of activities (Beaton: Col. 4, line 60 – 67) to be performed using the mobile communication device (Id.), the activities including at least a call activity (Figs. 6 and 7; Beaton: Col. 5, line 57 through Col. 6, line 43); a navigation button (Fig. 2, four buttons evident in center of phone); and a menu driver (GUI manager; Fig. 4, 4100) to facilitate a user to navigate directly from one activity to another (Beaton: Col. 5, line 57 through Col. 6, line 43), in response to user inputs provided through the navigation button (Fig. 2), including saving a first state of a first activity from which the user is navigating from, to enable subsequent re-entry into the first activity at the first state (Fig. 6; Beaton: Col. 5, line 57 through Col. 6, line 7, which indicate that GUI manager 4100 may suspend, save, resume, stop, etc. one application and move to another application in response to user commands or to resume and continue with the

current application), and entering a second state of a second activity to which the user is navigating to (Id.).

However, Beaton as applied above does not specifically disclose entering a second state of a second activity to which the user is navigating to, the second state being the state in which the user last left the second activity. In an analogous art, Smethers remedies the deficiencies of Beaton by disclosing such limitation on Page 10, Paragraph 0084, line 1 through Paragraph 0085, line 19 and also see Table 5 on Page 11, Figs. 8E – 8H where it shows the transition between one activity (main screen; Fig. 8E) to the other (menu screen; Figs. 8G and 8F) and coming back to the previous activity (main screen; Fig. 8H).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Smethers to the system of Beaton in order to provide user-friendly and improved graphical user interface through the use of soft keys when the hand-held wireless communication device may lack a direct point device.

Regarding claim 2, Beaton in view of Smethers as applied above discloses the first activity is an activity selected from a call activity (Beaton: Col. 6, lines 26 – 28), a chat activity, a radio activity and a web browsing activity; and the second activity is a different activity selected from the call activity (a second call; Beaton: Col. 6, lines 30 – 31), the chat activity, the radio activity, and the web browsing activity.

Regarding claim 3, Beaton in view of Smethers as applied above discloses wherein the menu driver is further designed to facilitate a user to interact with selectable sub-activities of an activity as a nested scrollable list of selectable sub-activities of the activity (see Figs. 8G and 8F; Smethers).

Regarding claim 4, Beaton in view of Smethers as applied above discloses wherein the mobile communication device comprises a wireless mobile phone (Fig. 2; Beaton).

Regarding claim 5, Beaton in view of Smethers as applied above discloses a mobile communication device comprising: a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Figs. 6 and 7; Beaton: Col. 5, line 57 through Col. 6, line 43); a navigation button (Fig. 2, four buttons evident in center of phone); and a menu driver (GUI manager; Fig. 4, 4100; Beaton) to facilitate a user to navigate among selectable sub-activities of one activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity (Smethers: Fig. 3, 304, 320; Page 10, Paragraph 0084, line 1 through Paragraph 0085, line 19 and also see Table 5 on Page 11, Figs. 8E – 8H).

Regarding claim 6, Beaton in view of Smethers as applied above discloses wherein the activity is a selected one of a call activity (Beaton: Col. 6, lines 26 – 28), a chat activity, a radio activity, and a web browsing activity.

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 11, Beaton in view of Smethers as applied above discloses receiving a user navigation input (Beaton: Col. 6, lines 1 – 7); and in response, navigating into one of a plurality of selectable sub-activities of an activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity (Smethers: Page 10, Paragraph 0084, line 1 through Paragraph 0085, line 19 and also see Table 5 on Page 11, Figs. 8E – 8H).

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

8/1/06 uc


GEORGE ENG
SUPERVISORY PATENT EXAMINER